

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

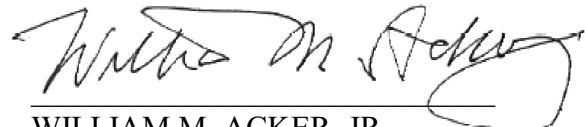
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|-----------------------------|---|------------------|
| TRACEY WRIGLEY, aka POCO |) | |
| PRODUCTS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE NO.: |
| v. |) | |
| |) | CV-01-RRA-2086-S |
| MAXTRAX, INC. Aka WHALEN 2, |) | |
| INC., et al., |) | |
| |) | |
| Defendants. |) | |

Memorandum Opinion

The case is presently before the Court on the Motion for Summary Judgment and Supplemental Motion for Summary Judgment of Defendant The Galactic Attic, L.L.C. (“Galactic Attic”). (Docs. 42 and 43). The Plaintiff has neither responded to these motions nor provided evidence in rebuttal.

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation (doc. 50) is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the Motion for Summary Judgment and Supplemental Motion for Summary Judgment of Defendant The Galactic Attic, L.L.C. (docs. 42 and 43) are due to be **GRANTED**, and the Plaintiff's claims are due to be **DISMISSED**, and this case closed. An appropriate order will be entered.

DONE this 12th day of December, 2005.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE